

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
)	
RONALD B. DIGGS, IV,)	Bankruptcy No. 18-20818-GLT
)	
Debtors.)	Chapter 13
*****)	
RONALD B. DIGGS, IV,)	Hearing Date and Time:
)	July 3, 2019 at 9:30 A.M.
Movant,)	
)	
Vs.)	
)	
)	
MON VALLEY PETROLEUM, Inc.)	
)	
Respondent.)	

MOTION TO AVOID LIEN

AND NOW, Debtor, Ronald B. Diggs, IV, by and through his attorney, P. William Bercik, hereby files his Motion to Avoid Lien, as follows:

1. Debtor filed his Petition under Chapter 13 of the Bankruptcy Code on March 4, 2018.
2. Debtor listed Mon Valley Petroleum, Inc. as a secured creditor on Schedule D, in the amount of \$15,208.26.
3. Mon Valley Petroleum, Inc. lists an address at 5515 West Smithfield Street, McKeesport, PA 15213 with the Pennsylvania Corporation Bureau.
4. All correspondence addressed to this Mon Valley Petroleum, Inc. at 5515 West Smithfield Street, McKeesport, PA has been returned.
5. Upon information and belief, Mon Valley Petroleum, Inc. also has an address at 5738 Smithfield Street, McKeesport PA 15135-1135.

6. Mon Valley Petroleum, Inc. has a judgement lien against Debtor.
7. The judgment is a lien against all of Debtor's real property, including his home address at 329 Lennox Drive, Pittsburgh, PA 15235
8. Debtor has claimed an exemption for the real property at 329 Lennox Drive, Pittsburgh, PA.
9. Section 522(f) of the Bankruptcy Code permits the debtor to void the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled, if such lien is a judicial lien, other than a judicial lien that secures a debt of a kind that is specified in section 523(a)(5). 11 U.S.C. §522(f).
10. The lien of Mon Valley Petroleum, Inc. is a judicial lien.
11. The lien of Mon Valley Petroleum, Inc. is equal to \$15,208.26.
12. All other claims against the property equal a total of \$398,430.36, consisting of the Internal Revenue Service secured claim (\$260,376.71), the Pennsylvania Department of Revenue Secured Claim (\$1,296.79), and the mortgage claim of US Bank (\$136,756.86).
13. The amount of the exemption that the debtor could claim if there were no liens on the property is equal to \$23,675.00.
14. The sum of the Mon Valley Petroleum, Inc. lien, plus all other liens on the property, plus the amount of the exemption the debtor could claim if there were no liens on the property is \$437, 313.62.
15. The debtor would have an in interest in the property of \$96,900.00 if there were no liens.

16. The Mon Valley Petroleum, Inc. lien, all other liens on the property, and the amount the debtor could claim as exempt if there were no liens on the property exceeds the value that the debtor's interest in the property would have in the absence of any liens by \$340,413.62.

17. Pursuant to 11 U.S.C §522(f)(2)(A), the lien of Mon Valley Petroleum, Inc. impairs the debtor's exemption in the amount of \$340,413.62.

18. The lien of Mon Valley Petroleum, Inc. is not of a kind that is specified in §523(a)(5).

WHEREFORE, Debtor request that this Honorable Court enter and Order voiding the lien of Mon Valley Petroleum, Inc. to the extent that it impairs the debtor's exemption in the real property at 329 Lennox Drive, Pittsburgh, PA 15235.

Respectfully submitted,

/s/ P. William Bercik
P. William Bercik, Esquire
Counsel for Ronald B. Diggs, IV,
Debtor

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